

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## RICHARD ARLEY FISHER,

CASE NO. C24-5484 BHS

Petitioner,

## ORDER

V.

JEFFERY PERKINS,

## Respondent.

13        THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's  
14      Report and Recommendation (R&R), Dkt. 20, recommending the Court deny pro se  
15      petitioner Richard Fisher's § 2254 habeas petition as time-barred, deny him a § 2253  
16      certificate of appealability, and dismiss the case with prejudice.

17 A district court “shall make a de novo determination of those portions of the report  
18 or specified proposed finding or recommendations to which objection is made.” 28  
19 U.S.C. § 636(b)(1)(C) (emphasis added); *see also* Fed. R. Civ. P. 72(b)(3). It must  
20 modify or set aside any portion of the order that is clearly erroneous or contrary to law.  
21 Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended

1 disposition; receive further evidence; or return the matter to the magistrate judge with  
2 instructions. Fed. R. Civ. P. 72(b)(3).

3 The Court must “review the Magistrate Judge’s findings and recommendations de  
4 novo *if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d  
5 1114, 1121 (9th Cir. 2003) (citing § 636(b)(1)(C)). A proper objection requires “specific  
6 written objections to the proposed findings and recommendations.” Fed. R. Civ. P.  
7 72(b)(2).

8 Fisher has not objected to the R&R, and its recommended disposition of his  
9 habeas petition is neither clearly erroneous nor contrary to law. The R&R is therefore  
10 **ADOPTED**. Fisher’s § 2254 habeas petition is **DENIED**, the Court will **NOT** issue a  
11 certificate of appealability for the reasons outlined in the R&R, and the case is  
12 **DISMISSED** with prejudice.

13 The Clerk shall enter a **JUDGMENT** and close the case.

14 **IT IS SO ORDERED.**

15 Dated this 21st day of January, 2025.

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BENJAMIN H. SETTLE  
United States District Judge